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AUG 17 2011

In re Application of	:	DECISION ON
GROVER, Raymond	:	PCT LEGAL ADMINISTRATION
Application No.: 10/561,531	:	
PCT No.: PCT/IB2004/001779	:	
Int. Filing Date: 21 May 2004	:	PETITION UNDER
Priority Date: 31 May 2003	:	
Attorney's Docket No.: GB030081US1	:	
For: SEMICONDUCTOR DEVICE HAVING...	:	
OF MANUFACTURE THEREOF	:	37 CFR 1.181

This Decision is in response to applicants' "PETITION IN RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.181(a)" filed on 17 June 2011, which requests that the above-identified application's declaration was timely filed, and the withdrawal of the Notice of Abandonment mailed on 30 November 2007.

BACKGROUND

In a decision from this Office on 16 March 2011, the petition filed under 37 CFR 1.181 was dismissed. The decision stated that applicants did not meet item (3) under 37 CFR 1.8(b) because no statement was provided from a person that had first hand knowledge.

On 17 June 2011, applicants filed the current renewed petition with included a statement from Vilimaina Naga.

DISCUSSION

A petition under 37 CFR 1.181 filed under 37 CFR 1.8(b) Certificated of mailing or transmission must be accompanied by:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Applicants have now satisfied item (3), thus satisfying items (1) – (3) under 37 CFR 1.8(b).

The certificate of facsimile under 37 CFR 1.8 is valid for the declaration because a statement has been provided by Vilimaina Naga and the declaration can be used as a basis for a timely filing in response to the Notification of Missing Requirements mailed on 06 July 2006.

Accordingly, applicants' response- the declaration filed on **31 July 2006**- is considered timely and is the date of receipt at USPTO.

The date of receipt for the Declaration is 31 July 2006.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The NOTICE OF ABANDONMENT, mailed 30 November 2007 has been **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of this application as **31 July 2006**.



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